UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,862	11/13/2003	Gregory S. Snider	0275S-000825	8641

27572 7590 07/27/2006

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
ADDISU, SARA	

ART UNIT	PAPER NUMBER
3722	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/712,862	SNIDER ET AL.	
	Examiner	Art Unit	
	Sara Addisu	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/14/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I (claims 1-12) in the reply filed on 4/19/06is acknowledged. The traversal is on the ground(s) that "Applicants believe that the Examiner will uncover all of the alleged species during her search and that no undue burden will be felt". This is not found persuasive because in the process/method of installing a lock-set such that the rails move towards and away from each other does not require the rails to have plurality of gear teeth that mesh with gear teeth of the bolt lock hole mechanism (as claimed in claims 2, 3, 8 and 9). This is evidenced by Fridman (USP 6,390,738). Additionally, the process of installing a lock-set also does not require the locking mechanism to have ratchet teeth coupled with a ratchet arm (as claimed in claims 4, 5, 10 and 11).

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fridman (USP 6,390,738) in view of Gray (USP 2,842,860), and further in view of Pennebaker et al. (USP 5,145,221).

FRIDMAN teaches a jig/lock set installation apparatus comprising a pair of hole saw guides (16A, 16B) for locating holes to receive door operating members of a lock set, including a hole saw receiving aperture (13A, 13B) and rails (26A, 26B) opposing one another ('738, figures 2 and 3). FRIDMAN also teaches a bolt lock hole mechanism (18 with an aperture, 15) coupled with said opposing rails (26A, 26B) in a manner to allow the hole saw guides (16A, 16B) to move toward and away from one another while also including a mechanism for centering the bolt lock mechanism with respect to the hole saw guides (16A, 16B) during movement of said rails ('738, Col. 2, line 64 through col. 3 line 6). Furthermore, FRIDMAN also teaches a locking mechanism (clamping plate 36, cam 38, rods 20A, 20B and springs 22A, 22B) for locking said pair of hole saw guides (16A, 16B) in position with respect to one another to enable cutting of a door ('738, col. 3, lines 22-32).

However, FRIDMAN fails to teach a locking mechanism coupled with at least one of the rails. FRIDMAN also fails to teach the rails including a plurality of gear teeth that mesh with a ring gear with a plurality of gear teeth for enabling centering of the bolt lock hole mechanism.

GRAY teaches an automatically centering device having a pair of guides (42, 44), opposing rails (38, 40) that enable (42, 44) to move towards and away from each other ('860, figure 1). GRAY also teaches the rails being positioned with respect to each other by providing the rails (38, 40) with gear teeth that mesh with a ring gear (48) ('860, figure 2 and col. 2, lines 53-59).

PENNEBARK ET AL. teaches a sliding latch lock (10) having a latch portion (22), biasing means (24) and two parts that close together ('221, figure1-3 and col.2, line 52+).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify FRIDMAN such that its centering mechanism is replaced with rails that have plurality of gear teeth that mesh with a ring gear with a plurality of gear teeth, as taught by GRAY for the purpose of having a centering apparatus that is simple to construct, efficient in use and less bulky/less parts, therefore inexpensive to manufacture. FRIDMAN's invention utilizes springs (22A, 22B), which overtime may crack, stretch, ..etc causing the apparatus not to accurately locate the tool on a door. It would have also been obvious to one of ordinary skill in the art at the time of the invention was made to further modify FRIDMAN such that it utilizes a sliding latch lock, as taught by PENNEBARK ET AL., to further lock the rails after installing the apparatus on the door to prevent the tool from moving during drilling/sawing due to the vibration caused by the power tools.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Addisu
(571) 272-6082

SA
7/21/06

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAM